

1 RENEE F. KENNEDY (SBN 24012954)

2 Lead Counsel

3 Federal Bar No.: 2129107

4 (admitted *pro hac vice*)

5 reneekennedy.esq@att.net

6 1620 S. Friendswood Dr., Ste. Apple

7 Friendswood, Texas 77546

8 Telephone: 832.428.1552

9 SETH W. WIENER (SBN 203747)

10 sethwiener@yahoo.com

11 609 Karina Court

12 San Ramon, California 94582

13 Telephone: 925.487.5607

14 Attorneys for Plaintiff English

15

16

17

18

19

20

21

22

23

24

25

26

27

28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FABRIENNE ENGLISH, on behalf of herself	)	Case No. 3:14-cv-01619-WHO
and all others similarly situated,	)	NOTICE OF RELATED CASE
Plaintiffs,	)	PURSUANT TO CIVIL L.R. 3-12 TO BE
v.	)	FILED IN CASE NO. 3:14-cv-01619-
APPLE INC., APPLECARE SERVICE	)	WHO; ADMINISTRATIVE MOTION
COMPANY, INC., and APPLE CSC INC.,	)	TO CONSIDER WHETHER CASES
Defendants.	)	SHOULD BE RELATED, PURSUANT
	)	TO CIVIL L.R. 7-11
	)	Judge: William H. Orrick
	)	Courtroom: 2, 17th Floor
	)	Complaint Filed: November 4, 2013
	)	Transfer to N.D. Cal.: April 3, 2014
	)	Trial Date: August 15, 2016

Notice of Related Case; Administrative Motion to Consider Whether Cases Related
3:14-cv-01619-WHO

1 Plaintiff Fabrienne English, on behalf of herself and others similarly situated (hereinafter
 2 "Plaintiff"), hereby respectfully submit this Notice of Related Case, Pursuant to Civil L.R. 3-12 and
 3 the required Administrative Motion to Consider Whether Cases Should be Related, Pursuant to Civil L.
 4 R. 7-11.

5 **I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12**

6 Under Civil Local Rule 3-12, an "action is related to another when: (1) the actions concern
 7 substantially the same parties, property, transaction or event, and (2) it appears likely that there will be
 8 an unduly burdensome duplication of labor and expense or conflicting results if the cases are
 9 conducted before different Judges." Civil L.R. 3-12(a).

10 Whenever a party knows or believes that an action may be related to an action which is or was
 11 pending in the Northern District, said party "must promptly file in the earliest-filed case an
 12 Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-11."¹
 13 Civil L.R. 3-12(b). That motion must include: "(1) The title and case number of each apparently
 14 related case; (2) A brief statement of the relationship of the actions according to the criteria set forth in
 15 Civil L.R. 3-12(a)."

16 **II. MCRIGHT v APPLE, INC. ET AL IS RELATED TO ENGLISH v APPLE, INC. ET AL**

17 The English v. Apple, Inc. et al case was transferred to this Court on April 3, 2014.
 18 Subsequently, the McRight v. Apple, Inc. et al case (Case No. 3:15-cv-03330) was filed in this Court
 19 on July 18, 2015. These cases involve the exact same transactions and events (i.e. the purchase of
 20 electronic devices and AppleCare and AppleCare+ by consumers from Apple, Inc., and the
 21 replacement of those devices pursuant to AppleCare and AppleCare+), identical defendants,
 22 allegations based on these transactions and events, and similar proposed classes of plaintiffs.

23

24

25 ¹ "In addition to complying with Civil L.R. 7-11, a copy of the motion, together with proof of
 26 service pursuant to Civil L.R. 5-6, must be served on all known parties to each apparently related
 27 action. A Chambers copy of the motion must be lodged with the assigned Judge in each apparently
 28 related case under Civil L.R. 5-1(b)." Civil L.R. 3-12(b).

Accordingly, there will be unduly burdensome duplication of labor and expense and there will be a risk of conflicting results if *McRight v. Apple, Inc.*, et al is not related to *English v. Apple, Inc.*, et al and assigned to Judge Orrick.

III. CONCLUSION

The actions referred to above satisfy the criteria of Rule 3-12. Therefore Plaintiff respectfully requests that the cases be deemed related.

Dated: July 19, 2015

Respectfully submitted,

/s/ Renee Kennedy
Renee Kennedy
Lead Counsel

Attorneys for Plaintiff Fabrienne English